UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/756,668	01/08/2001	Lynne G. Jolitz		7060

7590 07/27/2004

HAROLD D. MESSNER
1021 NEBRASKA ST.
VALLEJO, CA 94590

EXAMINER	
HOLMES, MICHAEL B	

ART UNIT	PAPER NUMBER
2121	

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/756,668	JOLITZ, LYNNE G.	
	Examiner	Art Unit	
	Michael B. Holmes	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *(3)* MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 January 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-6* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *6* is/are allowed.

6)☒ Claim(s) *1-5* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *08 January 2001* is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

UNITED STATES PATENT AND TRADEMARK OFFICE

P.O. Box 1450, Alexandria, Virginia 22313-1450 - WWW.USPTO.GOV

Examiner's Detailed Office Action

1. This office action is responsive to application **09/756,668,** filed **Jan. 10, 2001**.

2. **Claims 1-6** have been examined.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 1, 4, & 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baran* (USPN 5,421,030) in view of *Watters et al.* (USPN 5,982,324).

Regarding claim 1: *Baran describes* a system consisting of a cell phone (*Baran* C 10, L 12-14), wireless network (*Baran* C 18, L 49-54), and a base station (*Baran* C 1, L 59-62), for cell communication packets having a formatted header containing information about the packet (*Baran* C 4, L 51-63), said cell phone comprising a modulator/RF detector (*Baran* C 5, L 62–C, 6, L 10),

the improvement comprising means for transparent bi-directional translation of audio/video protocols (*Baran* C 9, L 22-26). *Baron* does not disclose a DSP or Internet standard protocols. However *Watters et al.* teaches a DSP (*Watters et al.* FIG. 5, item 512, C 11, L 45-52) and Internet standard protocols. (*Watters et al.* C 11, L 40-44) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine *Baran* with *Watters et al.* because the com-bined technology of cellular networks juxtaposed Internet communications technology provides a more efficient, reliable, and highly accurate position location system. (*Watters et al.* C 1, L 7-11)

5. **Claim 2, 3, & 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Baran* (USPN 5,421,030) in view of *Watters et al.* (USPN 5,982,324) in further view of *Dietz et al.* (USPN 6,651,199).

Regarding claim 2: wherein said means for transparent bi-directional translation of audio/video protocols (*Baran* C 9, L 22-26) into Internet standard protocols (*Watters et al.* C 11, L 40-44) includes means for storing an incoming packet in an cell phone application memory (*Baran* Fig. 10; item 184, 186, 180); means for comparing the incoming packet with a plurality of predetermined patterns stored in a content addressable memory to identify a matching pattern (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314); means for processing the incoming packets simultaneously with said comparing means for determining whether the packet is valid (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 316); means operative upon a matching pattern being identified and the packet being determined valid for processing said packet in accordance with the identified pattern (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 316); and means opera-

tive upon failing to identify a matching pattern or upon determining the packet to be invalid for processing said packet in a software process. (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 316, 318); It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine *Baran, Watters et al.* and *Dietz et al.* because given the recent popularity of the Internet and other internets--an "internet" being any plurality of interconnected networks which forms a larger, single network. With the growth of networks used as a collection of clients obtaining services from one or more servers on the network, it is increasingly important to be able to monitor the use of those services and to rate them accordingly. (C 1, L 48-51)

Regarding claim 3: A method of accelerating a stream-oriented network transport protocol involving a system having a cell phone (*Baran* C 10, L 12-14), wireless network (*Baran* C 18, L 49-54), and a base station (*Baran* C 1, L 59-62), for cell communication packets having a formatted header containing information about the packet (*Baran* C 4, L 51-63), said cell phone comprising a modulator IRF detector (*Baran* C 5, L 62–C, 6, L 10), and a DSP (*Watters et al.* FIG. 5, item 512, C 11, L 45-52), means for transparent bi-directional translation of audio/video protocols (*Baran* C 9, L 22-26 into Internet standard protocols (*Watters et al.* C 11, L 40-44), thereby allowing direct attachment to other stream oriented network protocol devices without interposed protocol translation while reducing complexity, the method comprising: analyzing packet traffic on the wireless network to identify classes of predictable protocols which characterize a majority of such packets (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 320); implementing programmable hardware logic to process such classes of protocols, said programmable logic being clocked at a rate corresponding to a signaling rate on the network

(*Watters et al.* C 1, L 41-46); analyzing the header of a packet to identify one of said classes to which said packet belongs (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 320); controlling said programmable logic in accordance with the identified class to process the packets (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 320); and processing in software routines instead of said programmable logic packets which do not belong to one of said plurality of classes. (*Dietz et al.* FIG. 3; items 302, 304, 306, 312, 314, 320) It would have been obvious at the time the invention was made to a person having ordinary skill in the art to combine *Baran, Watters et al.* and *Dietz et al.* because given the recent popularity of the Internet and other internets--an "internet" being any plurality of interconnected networks which forms a larger, single network. With the growth of networks used as a collection of clients obtaining services from one or more servers on the network, it is increasingly important to be able to monitor the use of those services and to rate them accordingly. (C 1, L 48-51)

Allowable Subject Matter

8. Claim 6 is allowed.

Conclusion

9. The prior art made of record and (listed of form **PTO-892**) not relied upon is considered pertinent to applicant's disclosure as follows. Applicant or applicant's representative is respectfully reminded that in process of patent prosecution i.e., amending of claims in response to a rejection of claims set forth by the Examiner per Title 35 U.S.C. The patentable novelty must be

clearly shown in view of the state of the art disclosed by the references cited and any objections made. Moreover, applicant or applicant's representative must clearly show how the amendments avoid or overcome such references and objections. *See* **37 CFR § 1.111(c)**.

Correspondence Information

10. Any inquiries concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes** who may be reached via telephone at **(703) 308-6280**. The examiner can normally be reached Monday through Friday between 8:00 a.m. and 5:00 p.m. eastern standard time.

If you need to send the Examiner, a facsimile transmission regarding After Final issues, please send it to **(703) 746-7238**. If you need to send an Official facsimile transmission, please send it to **(703) 746-7239**. If you would like to send a Non-Official (draft) facsimile transmission the fax is **(703) 746-7240**. If attempts to reach the examiner by telephone are unsuccessful, the **Examiner's Supervisor**, **Anthony Knight**, may be reached at **(703) 308-3179**.

Any response to this office action should be mailed too:

Director of Patents and Trademarks Washington, D.C. 20231. Hand-delivered responses should be delivered to the Receptionist, located on the fourth floor of **Crystal Park II, 2121 Crystal Drive Arlington, Virginia.**

Michael B. Holmes
Patent Examiner
Artificial Intelligence
Art Unit 2121
United States Department of Commerce
Patent & Trademark Office

Anthony Knight
Supervisory Patent Examiner
Group 3600